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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,093	10/30/2000	Alison Salyer Bagwell	15260	7880
23556	7590	12/03/2003	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			REDDICK, MARIE L	
			ART UNIT	PAPER NUMBER
			1713	25

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/702,093	BAGWELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Judy M. Reddick	1713	

-- The MAILING DATE of this communication app appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-53 is/are pending in the application.  
4a) Of the above claim(s) 14-53 is/are withdrawn from consideration.

5)  Claim(s) 1-9, 11 and 12 is/are allowed.

6)  Claim(s) 10 and 13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 30 October 2000 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.  
13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.  
14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21. 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

**Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/03 has been entered.

**Election/Restrictions**

2. Claims 14-53 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

**Information Disclosure Statement**

3. The information disclosure statement filed 07/25/03 has been considered and placed in the application file.

**Specification**

4. The use of the trademarks at least Varisoft 222, Adogen 432, Accosoft 550-75, Alubrasoft Super 100 and 116, Ahcovel Base N-62 have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10 & 13 rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Woodhall et al(U.S. 5,876,791).

As to claims 10 & 13, Woodhall et al (10) disclose an aqueous solution(the Abstract, col. 10, lines 21 & 56 and col. 11, lines 25 and 60) defined basically as containing a) an ingredient selected from the group consisting of sodium bicarbonate, sodium carbonate and combination thereof( col. 8, line 56) and b) urea(col. 2, lines 48-62, col. 10, line 35, col. 11, line 14 and 54 & claims 12 & 14); (13) An aqueous solution further including an additive selected from the group consisting of wetting agents, defoamers, surfactants and combinations thereof(the Abstract, col. 2, lines 50 and 65, col. 3, lines 12-16, col. 6, lines 1-27, col. 7, lines 1-48, col. 8, lines 1-27, col. 10, lines 18, 19 and 55 & col. 11, Tables 3 and 4). One of ordinary skill in the art would have readily envisaged the use of sodium bicarbonate in lieu of ammonia to adjust the pH of the aqueous formulation per Run 1 following the guidelines of Woodhall et al @ col. 8, lines 48-57 which teach these pH adjusters as equivalents in scope. Woodhall et al therefore anticipate the instantly claimed invention. As to the utility of the aqueous composition of Woodhall et al as an imbibing solution, such is tenable since the aqueous composition of Woodhall et al is essentially the same as and made in essentially the same manner as the claimed aqueous composition.

Even if it turns out that the claims are not anticipated by Woodhall et al then, it would have been obvious to the skilled artisan to extrapolate, from the disclosure of Woodhall et al, the precisely defined aqueous solution, as claimed, as per such having been within the purview of the general disclosure of Woodhall et al and with a reasonable expectation of success.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Haber(U.S. 3,099,514).

As to claims 10 and 13, Haber discloses (10) an aqueous solution(col. 5, line 32) defined basically as containing a) an ingredient selected from the group consisting of sodium bicarbonate, sodium carbonate and combination thereof( col. 5, line 29) and b) urea(col. 5, line 28); (13) An aqueous solution further including an additive selected from the group consisting of wetting agents, defoamers, surfactants and combinations thereof(col. 5, lines 31-41). Haber therefore anticipates the instantly claimed invention. As to the utility of the aqueous composition of Haber as an imbibing solution, such is tenable since the

aqueous composition of Haber is essentially the same as and made in essentially the same manner as the claimed aqueous composition.

Even if it turns out that the claims are not anticipated by Haber then, it would have been obvious to the skilled artisan to extrapolate, from the disclosure of Haber, the precisely defined aqueous solution, as claimed, as per such having been within the general purview of Haber's disclosure and with a reasonable expectation of success.

#### Allowable Subject Matter

8. Claims 1-9, 11 & 12 are deemed allowable over the prior art of record as per said art neither anticipating nor rendering obvious the precisely defined aqueous coating formulation containing a) a cationic homo- or copolymer, b) a cationic or non-ionic fabric softener, c) urea and d) an ingredient selected from the group consisting of sodium bicarbonate, sodium carbonate and combinations thereof(claim 1) and an aqueous imbibing solution consisting essentially of a) between about 30 and 40 wt.%, based on total solids, of an ingredient selected from the group consisting of sodium bicarbonate, sodium carbonate and combinations thereof(claim 11) and an aqueous imbibing solution wherein urea is present in an amount between about 50 and 70 wt. %, based on total solids(claim 12). One having ordinary skill in the art would not have been endowed with any motivation to extrapolate the precisely defined aqueous coating/imbibing solution from any of the prior art of record with any reasonable expectation of success. Moreover, too much picking and choosing would have been involved and highly unwarranted.

9. The rejection of claims 1-13 under 35 USC 102(b or e)/103(a) over Battrell and claims 10-13 under 35 USC 102(b or e)/103(a) over Sakkab, Cheng, Ives et al or Dovey et al is herein withdrawn.

#### Conclusion

10. The additional prior art listed on the attached FORM PTO 892 is cited as of being illustrative of the general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (703)308-4346. The examiner can normally be reached on Monday-Friday, 6:30 a.m.-3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (703)308-2450. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-8183.

*Judy M. Reddick*  
Judy M. Reddick  
Primary Examiner  
Art Unit 1713

JMR *jmr*  
11.26.03